UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/958,088	10/27/1997	JOHN S. HENDRICKS	5062	2949

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EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	08/958,088	HENDRICKS ET AL.
	Examiner	Art Unit	
	Andrew Y. Koenig	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 February 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>31,47-49 and 67-79</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>31</u> is/are allowed.

6)☒ Claim(s) <u>47-49 and 67-79</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 31, 47-49, and 67-79 have been considered but are moot in view of the new ground(s) of rejection.

The applicant has traversed the Official Notice that receiving one or more local programs are well known in the art, such as receiving local commercials/advertisements and broadcasts.

U.S. Patent 5,099,319 to Esch et al. teach receiving local content for insertion for distribution over a cable network (fig. 1, 5, col. 2, ll. 12-20, col. 3, ll. 20-36, col. 7, ll. 18-28).

Allowable Subject Matter

2.   Claim 31 is allowed.

3.   The following is a statement of reasons for the indication of allowable subject matter:

Prior art or record fails to show or reasonably suggest claim 31, taken as a whole. Specifically, a plurality of first-in first-out storage means and a first-in first-out control means for... sending a control signal to a computer processing means when an individual first-in first-out storage means is reaching capacity along with a means for obtaining communications from the set top terminals, the computer processing means, connected to the obtaining means, for generating instructions to the signal processor using the communications from the set top terminals.

In other words, prior art fails to teach or suggest this combination of elements

due to the antecedence of the claimed "the computer means" (line 23-25 of claim 31)

with the elements of the first-in first-out storage and first-in first-out control means

coupled with the obtaining means. Whereas, as noted in the rejection, the prior art

teaches a first-in first-out controller means for... sending a control signal to a computer

processing means, but fail to teach the additional computer processing means... for

generating instructions to the signal processor using the communications from the set

top terminals.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 47, 48, 67-79 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent 5,400,401 to Wasilewski et al. (Wasilewski) in view of U.S. Patent

5,231,494 to Wachob and U.S. Patent 5,251,028 to Iu.

Regarding claim 47, Wasilewski teaches a control microprocessor and VCM

interpreter (fig. 16, label 338, 348) which manages, monitors, ensured that the desired

programs are selected and send instructions (col. 20, ll. 27-32, col. 21, ll. 18-36).

Wasilewski teaches a service extract/demux (fig. 16, label 344), which receives signals,

and performs selections according the CPU instructions and outputs the selected

programs (col. 21, ll. 36-57). Wasilewski teaches a multiplexer, which equates to a

combiner accepting the selected programs and providing a combined signal for

transmission according to instructions sent from the CPU to the service demultiplexer to

combine the signals (col. 22, ll. 24-27). Further, Wasilewski teaches the CPU managing

and monitoring the demultiplexer and combiner by sending data to the system.

Wasilewski teaches controlling a multiplexer, but Wasilewski is silent on the

combiner comprising a plurality of first-in first-out (FIFO) storage means for storing

packets from a single digital program and outputting the packets to an association

output means, a plurality of output means connected to a serializing means.

In analogous art, Wachob teaches run length encoders coupled to FIFO buffers

(132), which are for each of the separate television signals and the FIFO is connected

to a multiplexer (col. 8, ll. 39-52, fig. 3, labels 132 and 136), which reads on a plurality of

first-in first-out (FIFO) storage mean, each FIFO storage means storing packets from a

single digital program and outputting the packets to an associated output means.

Further, Wachob teaches a plurality of FIFO buffers (fig. 3, label 132, col. 8, ll. 39-52)

connected to a serializing means (channel multiplexer, fig. 3, label 136).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Wasilewski by implementing a plurality of first-in

first-out (FIFO) storage means for storing packets from a single digital program and

outputting the packets to an association output means, a plurality of output means

connected to a serializing means as taught by Wachob in order to efficiently compress

the program signals and provide a plurality of channels on a distinct physical channel,

thereby enabling a plurality of programs to be sent on a single physical channel and efficiently using the bandwidth of the channel.

As discussed above, Wasilewski and Wachob teach a FIFO for each channel, wherein a plurality of channels are inserted into the channel multiplexer, but Wasilewski and Wachob are silent on a FIFO control means for monitoring the number of video packets input to and output from the FIFO storages, sending a control signal to a computer processing means when an individual FIFO storage means is reaching capacity, and opening and closing the plurality of output means to maintain a constant output of the serializing means.

Iu teaches a FIFO queue (34) and a buffer control (38), wherein the buffer control monitors the number of packets input and output from the FIFO storage and sends a control signal to the quantizer (30) when a FIFO is reaching capacity, and opening and closing the plurality of output means to maintain a constant output of the serializing means (fig. 1, label 34 and 38, col. 4, ll. 53-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the plurality of FIFOs of Wasilewski and Wachob by implementing a FIFO control means for monitoring the number of video packets input to and output from the FIFO storages, sending a control signal to a computer processing means when an individual FIFO storage means is reaching capacity, and opening and closing the plurality of output means to maintain a constant output of the serializing means as taught by Iu in order to dynamically changing the resolution quality of the video by monitoring the data rate at the buffers, while ensuring that the signal is

output at a constant rate, thereby reducing buffer-overflows and under-runs at the
receiver device thus ensuring that the receiving device is capable of displaying the
images at the best quality.

Regarding claim 48, Wasilewski teaches the demultiplexer separating the
multiplexed signals into individual programs (col. 22, ll. 13-23).

Regarding claim 67, Wasilewski teaches receiving information and one or more
multiplexed signals containing a plurality of programs, wherein the information includes
data on identities of desired digital programs (col. 21, ll. 18-36, see also figure 17, col.
22, ll. 14-24). Wasilewski teaches generating instructions regarding the programs,
wherein instructions are generated using the received information, in that the VCM
interpreter identifies service IDs (col. 21, ll. 18-36), wherein the service Wasilewski
teaches the extracting and demultiplexing which selects the programs using the
instructions, wherein the selected channel is a subset of the plurality of programs (fig.
16, label 344, col. 22, ll. 13-23). As shown in figure 17, Wasilewski teaches a
multiplexer, which equates to a combiner accepting the selected programs and
providing a combined signal for transmission according to instructions sent from the
CPU to the service demultiplexer to combine the signals (col. 22, ll. 24-27).

Wasilewski teaches controlling a multiplexer, but Wasilewski is silent on the
combiner comprising a plurality of first-in first-out (FIFO) storage means for storing
packets from a single digital program and outputting the packets to an association
output means, a plurality of output means connected to a serializing means.

In analogous art, Wachob teaches run length encoders coupled to FIFO buffers (132), which are for each of the separate television signals and the FIFO is connected to a multiplexer (col. 8, ll. 39-52, fig. 3, labels 132 and 136), which reads on a plurality of first-in first-out (FIFO) storage mean, each FIFO storage means storing packets from a single digital program and outputting the packets to an associated output means. Further, Wachob teaches a plurality of FIFO buffers (fig. 3, label 132, col. 8, ll. 39-52) connected to a serializing means (channel multiplexer, fig. 3, label 136).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wasilewski by implementing a plurality of first-in first-out (FIFO) storage means for storing packets from a single digital program and outputting the packets to an association output means, a plurality of output means connected to a serializing means as taught by Wachob in order to efficiently compress the program signals and provide a plurality of channels on a distinct physical channel, thereby enabling a plurality of programs to be sent on a single physical channel and efficiently using the bandwidth of the channel.

As discussed above, Wasilewski and Wachob teach a FIFO for each channel, wherein a plurality of channels are inserted into the channel multiplexer, but Wasilewski and Wachob are silent on a FIFO control means for monitoring the number of video packets input to and output from the FIFO storages, sending a control signal to a computer processing means when an individual FIFO storage means is reaching capacity, and opening and closing the plurality of output means to maintain a constant output of the serializing means.

Iu teaches a FIFO queue (34) and a buffer control (38), wherein the buffer control

monitors the number of packets input and output from the FIFO storage and sends a

control signal to the quantizer (30) when a FIFO is reaching capacity, and opening and

closing the plurality of output means to maintain a constant output of the serializing

means (fig. 1, label 34 and 38, col. 4, ll. 53-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the plurality of FIFOs of Wasilewski and Wachob

by implementing a FIFO control means for monitoring the number of video packets input

to and output from the FIFO storages, sending a control signal to a computer

processing means when an individual FIFO storage means is reaching capacity, and

opening and closing the plurality of output means to maintain a constant output of the

serializing means as taught by Iu in order to dynamically changing the resolution quality

of the video by monitoring the data rate at the buffers, while ensuring that the signal is

output at a constant rate, thereby reducing buffer-overflows and under-runs at the

receiver device thus ensuring that the receiving device is capable of displaying the

images at the best quality.

Regarding claim 68, Wasilewski teaches the demultiplexer separating the

multiplexed signals into individual programs (col. 22, ll. 13-23).

Regarding claim 69, Wasilewski teaches a inserting one or more local programs

and outputting the programs to the combiner, wherein the combiner outputs local

programs with the selected programs (col. 22, ll. 27-30).

Regarding claim 70, Wasilewski teaches receiving information and one or more multiplexed signals containing a plurality of programs, wherein the information includes data on identities of desired digital programs (col. 21, ll. 18-36, see also figure 17, col. 22, ll. 14-24). Wasilewski teaches generating instructions regarding the programs, wherein instructions are generated using the received information, in that the VCM interpreter identifies service IDs (col. 21, ll. 18-36), wherein the service Wasilewski teaches the extracting and demultiplexing which selects the programs using the instructions, wherein the selected channel is a subset of the plurality of programs (fig. 16, label 344, col. 22, ll. 13-23), the examiner notes that by actively selecting programs, the system is removing unwanted programs. As shown in figure 17, Wasilewski teaches a multiplexer, which equates to a combiner accepting the selected programs and providing a combined signal for transmission according to instructions sent from the CPU to the service demultiplexer to combine the signals (col. 22, ll. 24-27).

Wasilewski teaches controlling a multiplexer, but Wasilewski is silent on the combiner comprising a plurality of first-in first-out (FIFO) storage means for storing packets from a single digital program and outputting the packets to an association output means, a plurality of output means connected to a serializing means.

In analogous art, Wachob teaches run length encoders coupled to FIFO buffers (132), which are for each of the separate television signals and the FIFO is connected to a multiplexer (col. 8, ll. 39-52, fig. 3, labels 132 and 136), which reads on a plurality of first-in first-out (FIFO) storage mean, each FIFO storage means storing packets from a single digital program and outputting the packets to an associated output means.

Further, Wachob teaches a plurality of FIFO buffers (fig. 3, label 132, col. 8, ll. 39-52)

connected to a serializing means (channel multiplexer, fig. 3, label 136).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Wasilewski by implementing a plurality of first-in

first-out (FIFO) storage means for storing packets from a single digital program and

outputting the packets to an association output means, a plurality of output means

connected to a serializing means as taught by Wachob in order to efficiently compress

the program signals and provide a plurality of channels on a distinct physical channel,

thereby enabling a plurality of programs to be sent on a single physical channel and

efficiently using the bandwidth of the channel.

As discussed above, Wasilewski and Wachob teach a FIFO for each channel,

wherein a plurality of channels are inserted into the channel multiplexer, but Wasilewski

and Wachob are silent on a FIFO control means for monitoring the number of video

packets input to and output from the FIFO storages, sending a control signal to a

computer processing means when an individual FIFO storage means is reaching

capacity, and opening and closing the plurality of output means to maintain a constant

output of the serializing means.

Iu teaches a FIFO queue (34) and a buffer control (38), wherein the buffer control

monitors the number of packets input and output from the FIFO storage and sends a

control signal to the quantizer (30) when a FIFO is reaching capacity, and opening and

closing the plurality of output means to maintain a constant output of the serializing

means (fig. 1, label 34 and 38, col. 4, ll. 53-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the plurality of FIFOs of Wasilewski and Wachob

by implementing a FIFO control means for monitoring the number of video packets input

to and output from the FIFO storages, sending a control signal to a computer

processing means when an individual FIFO storage means is reaching capacity, and

opening and closing the plurality of output means to maintain a constant output of the

serializing means as taught by Iu in order to dynamically changing the resolution quality

of the video by monitoring the data rate at the buffers, while ensuring that the signal is

output at a constant rate, thereby reducing buffer-overflows and under-runs at the

receiver device thus ensuring that the receiving device is capable of displaying the

images at the best quality.

Regarding claim 71, Wasilewski teaches the demultiplexer separating the

multiplexed signals into individual programs (col. 22, ll. 13-23).

Regarding claim 72, Wasilewski receiving a multiplexed signal from a satellite, as

shown in figure 17, which as described in relation to the virtual channel maps and

selecting the appropriate channels (col. 21, ll. 19-37).

Regarding claim 74, Wasilewski teaches receiving information and one or more

multiplexed signals containing a plurality of programs, wherein the information includes

data on identities of desired digital programs (col. 21, ll. 18-36, see also figure 17, col.

22, ll. 14-24). Wasilewski teaches generating instructions regarding the programs,

wherein instructions are generated using the received information, in that the VCM

interpreter identifies service IDs (col. 21, ll. 18-36), wherein the service Wasilewski

teaches the extracting and demultiplexing which selects the programs using the

instructions, wherein the selected channel is a subset of the plurality of programs (fig.

16, label 344, col. 22, ll. 13-23). As shown in figure 17, Wasilewski teaches a

multiplexer, which equates to a combiner accepting the selected programs and

providing a combined signal for transmission according to instructions sent from the

CPU to the service demultiplexer to combine the signals (col. 22, ll. 24-27).

Wasilewski teaches controlling a multiplexer, but Wasilewski is silent on the

combiner comprising a plurality of first-in first-out (FIFO) storage means for storing

packets from a single digital program and outputting the packets to an association

output means, a plurality of output means connected to a serializing means.

In analogous art, Wachob teaches run length encoders coupled to FIFO buffers

(132), which are for each of the separate television signals and the FIFO is connected

to a multiplexer (col. 8, ll. 39-52, fig. 3, labels 132 and 136), which reads on a plurality of

first-in first-out (FIFO) storage mean, each FIFO storage means storing packets from a

single digital program and outputting the packets to an associated output means.

Further, Wachob teaches a plurality of FIFO buffers (fig. 3, label 132, col. 8, ll. 39-52)

connected to a serializing means (channel multiplexer, fig. 3, label 136).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Wasilewski by implementing a plurality of first-in

first-out (FIFO) storage means for storing packets from a single digital program and

outputting the packets to an association output means, a plurality of output means

connected to a serializing means as taught by Wachob in order to efficiently compress

the program signals and provide a plurality of channels on a distinct physical channel, thereby enabling a plurality of programs to be sent on a single physical channel and efficiently using the bandwidth of the channel.

As discussed above, Wasilewski and Wachob teach a FIFO for each channel, wherein a plurality of channels are inserted into the channel multiplexer, but Wasilewski and Wachob are silent on a FIFO control means for monitoring the number of video packets input to and output from the FIFO storages, sending a control signal to a computer processing means when an individual FIFO storage means is reaching capacity, and opening and closing the plurality of output means to maintain a constant output of the serializing means.

Iu teaches a FIFO queue (34) and a buffer control (38), wherein the buffer control monitors the number of packets input and output from the FIFO storage and sends a control signal to the quantizer (30) when a FIFO is reaching capacity, and opening and closing the plurality of output means to maintain a constant output of the serializing means (fig. 1, label 34 and 38, col. 4, ll. 53-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the plurality of FIFOs of Wasilewski and Wachob by implementing a FIFO control means for monitoring the number of video packets input to and output from the FIFO storages, sending a control signal to a computer processing means when an individual FIFO storage means is reaching capacity, and opening and closing the plurality of output means to maintain a constant output of the serializing means as taught by Iu in order to dynamically changing the resolution quality

of the video by monitoring the data rate at the buffers, while ensuring that the signal is output at a constant rate, thereby reducing buffer-overflows and under-runs at the receiver device thus ensuring that the receiving device is capable of displaying the images at the best quality.

Regarding claim 75, Wasilewski teaches a multiplexer (fig. 17, label 406) for combining the selected signals for distribution to set top terminals (col. 22, ll. 26-32), which equates to a serializer.

Regarding claim 76, Wasilewski teaches selecting using generated instructions from the VCM interpreter (col. 21, ll. 18-37).

Regarding claim 77, Wasilewski teaches receiving information and one or more multiplexed signals containing a plurality of programs, wherein the information includes data on identities of desired digital programs (col. 21, ll. 18-36, see also figure 17, col. 22, ll. 14-24). Wasilewski teaches generating instructions regarding the programs, wherein instructions are generated using the received information, in that the VCM interpreter identifies service IDs (col. 21, ll. 18-36), wherein the service Wasilewski teaches the extracting and demultiplexing which selects the programs using the instructions, wherein the selected channel is a subset of the plurality of programs (fig. 16, label 344, col. 22, ll. 13-23). As shown in figure 17, Wasilewski teaches a multiplexer, which equates to a combiner accepting the selected programs and providing a combined signal for transmission according to instructions sent from the CPU to the service demultiplexer to combine the signals (col. 22, ll. 24-27).

Wasilewski teaches controlling a multiplexer, but Wasilewski is silent on the combiner comprising a plurality of first-in first-out (FIFO) storage means for storing packets from a single digital program and outputting the packets to an association output means, a plurality of output means connected to a serializing means.

In analogous art, Wachob teaches run length encoders coupled to FIFO buffers (132), which are for each of the separate television signals and the FIFO is connected to a multiplexer (col. 8, ll. 39-52, fig. 3, labels 132 and 136), which reads on a plurality of first-in first-out (FIFO) storage mean, each FIFO storage means storing packets from a single digital program and outputting the packets to an associated output means. Further, Wachob teaches a plurality of FIFO buffers (fig. 3, label 132, col. 8, ll. 39-52) connected to a serializing means (channel multiplexer, fig. 3, label 136).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wasilewski by implementing a plurality of first-in first-out (FIFO) storage means for storing packets from a single digital program and outputting the packets to an association output means, a plurality of output means connected to a serializing means as taught by Wachob in order to efficiently compress the program signals and provide a plurality of channels on a distinct physical channel, thereby enabling a plurality of programs to be sent on a single physical channel and efficiently using the bandwidth of the channel.

As discussed above, Wasilewski and Wachob teach a FIFO for each channel, wherein a plurality of channels are inserted into the channel multiplexer, but Wasilewski and Wachob are silent on a FIFO control means for monitoring the number of video

packets input to and output from the FIFO storages, sending a control signal to a
computer processing means when an individual FIFO storage means is reaching
capacity, and opening and closing the plurality of output means to maintain a constant
output of the serializing means.

Iu teaches a FIFO queue (34) and a buffer control (38), wherein the buffer control
monitors the number of packets input and output from the FIFO storage and sends a
control signal to the quantizer (30) when a FIFO is reaching capacity, and opening and
closing the plurality of output means to maintain a constant output of the serializing
means (fig. 1, label 34 and 38, col. 4, ll. 53-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify the plurality of FIFOs of Wasilewski and Wachob
by implementing a FIFO control means for monitoring the number of video packets input
to and output from the FIFO storages, sending a control signal to a computer
processing means when an individual FIFO storage means is reaching capacity, and
opening and closing the plurality of output means to maintain a constant output of the
serializing means as taught by Iu in order to dynamically changing the resolution quality
of the video by monitoring the data rate at the buffers, while ensuring that the signal is
output at a constant rate, thereby reducing buffer-overflows and under-runs at the
receiver device thus ensuring that the receiving device is capable of displaying the
images at the best quality.

Regarding claim 78, Wasilewski teaches a multiplexer (fig. 17, label 406) for

combining the selected signals for distribution to set top terminals (col. 22, ll. 26-32),

which equates to a serializer.

Regarding claim 79, Wasilewski teaches selecting using generated instructions

from the VCM interpreter (col. 21, ll. 18-37).

6.   Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 5,400,401 to Wasilewski et al. (Wasilewski) in view of U.S. Patent 5,099,319 to

Esch et al. (Esch).

Regarding claim 49, Wasilewski teaches a inserting one or more local programs and

outputting the programs to the combiner, wherein the combiner outputs local programs

with the selected programs (col. 22, ll. 27-30). Wasilewski inserts local programs but is

silent on receiving one or more local programs. Esch teaches receiving local content for

insertion for distribution over a cable network (fig. 1, 5, col. 2, ll. 12-20, col. 3, ll. 20-36,

col. 7, ll. 18-28), which reads on local programs. Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify

Wasilewski by receiving one or more local programs as taught by Esch in order to

provide programming targeted to a regional area thereby enhancing and targeting

information to regional viewers.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew Y. Koenig whose telephone number is (571)

272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (571)272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ayk

Andrew Y Koenig

AU 2623